

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>CRYSTAL L. GUMBY,</b>	:	
	:	
<b>Plaintiff</b>	:	<b>Civil Action No. 1:05-CV-1644</b>
	:	
	:	<b>(Judge Kane)</b>
<b>v.</b>	:	
	:	
<b>JOHN E. POTTER,</b>	:	
<b>Postmaster General,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On January 20, 2006, Defendant moved to dismiss this action pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. (Doc. No. 10.) On February 3, 2006, Defendant filed a timely brief in support of the motion. (Doc. No. 11.) Plaintiff's brief in opposition was due not later than February 21, 2006.<sup>1</sup> Plaintiff did not file a timely brief.

On March 1, 2006, Plaintiff was ordered to show cause within 10 calendar days why Defendant's motion to dismiss should not be deemed unopposed. (Doc. No. 12.) Plaintiff was specifically advised that if she failed to respond to this show cause order, the complaint was subject to dismissal without further notice. (Id.)

To date, Plaintiff has neither responded to Defendant's motion to dismiss nor complied

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<sup>1</sup>Local Rule 7.6 provides that "[a]ny party opposing any motion shall file an original and two (2) copies of a responsive brief . . . within fifteen (15) days after service of the movant's brief. Any respondent who fails to comply with this rule shall be deemed not to oppose such motion." L.R. 7.6. Plaintiff has been provided with a copy of this Court's Standing Practice Order. (Doc. No. 4.) The Standing Practice Order provides, inter alia, information regarding the parties' briefing responsibilities pursuant to the Local Rules of this Court and the Federal Rules of Civil Procedure.

with this Court's order to show cause.<sup>2</sup> Accordingly, the Court finds it appropriate to consider Defendant's motion to dismiss as unopposed and to dismiss the complaint. **WHEREFORE, IT IS HEREBY ORDERED THAT** Defendant's motion to dismiss (Doc. No. 10) is **GRANTED**. Plaintiff's complaint is hereby **DISMISSED**. The Clerk of Court is directed to close the file.

S/ Yvette Kane  
Yvette Kane  
United States District Judge

Dated: March 17, 2006

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<sup>2</sup>Plaintiff previously failed to adhere to this Court's Order requiring that she remit the required filing fee within a set period of time and the Court entered an Order dismissing the case. (Doc. No. 6.) Sensitive to the fact that Plaintiff was proceeding in this action without the assistance of counsel, and finding that Plaintiff had in fact paid the filing fee on the date the Court dismissed the action, the Court vacated its Order of dismissal and reopened the case. (Doc. No. 8.)